

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

MICHAEL HOWARD REED and
GREGORY ALLEN DAVIS,

Defendants.

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Case No. 1-10-CR-00041 (01) and (02)

MEMORANDUM OPINION
AND ORDER

We have various pending motions. There is a motion to suppress (Doc. 52) based on Fed.R.Crim.P. 12(b)(3)(C), what is styled as a “motion for defect in instituting the prosecution” (Doc. 53) based on Fed.R.Crim.P. 12(b)(3)(A), a notice of intent to raise issues of foreign law pursuant to Fed.R.Crim.P. 26.1, a motion for release from custody (Doc. 61) filed on behalf of defendant Davis, and something that is entitled “Petition to Settle the Dispute with Facts and Law and Order for the Federal or State Comptroller to settle the alleged debt (Doc. 64) (which document in a contemptuous manner lists the prosecuting attorney and the court as a defendant). All such filings and motions, with the possible exception of the motion for release from custody, are virtually unintelligible and are totally without legal merit. They are frivolous filings, even for *pro se* litigants. All should be denied. No foreign law will be introduced into this case. The citation of the United States Constitution as being foreign law is, of course, ridiculous. All other references to foreign law in Doc. 54 will not be allowed in evidence or in argument. The motion for release from custody of defendant Davis does contain an apology to the court

for past behavior before the magistrate judge. The defendant should, however, remain in custody for the reasons outlined in the response of the government (Doc. 62).

Now, therefore,

IT IS ORDERED, as follows:

(1) The notice to raise issues of foreign law (Doc. 54) is rejected. Neither defendant shall argue or seek to introduce any evidence as to any of the matters cited in Doc. 54. Rule 403 of the Federal Rules of Evidence bars any such matters as wasting time and attempting to confuse the jury. Questions as to the United States Constitution will be decided by the court. What is cited by the defendant as the "Universal Commercial Code" does not exist. If the intent was to refer to the Uniform Commercial Code, there will be no such references or evidence presented unless the matter is first presented to the court outside the hearing and presence of the jury.

(2) The motion for release from custody (Doc. 61) is denied.

(3) The petition to settle the dispute (Doc. 64) is denied. If the defendant or defendants wish to enter into some agreement with the prosecution, so be it. At this juncture, the court is not concerned with possible plea agreements or settlements of any kind.

(4) The motion to suppress (Doc. 52) is denied.

(5) The so-called motion for defect in instituting the prosecution (Doc. 53) is denied. There are no jurisdictional or other defects. This court has jurisdiction over the persons of the defendants and the subject matter of this case.

(6) The ex parte motion (Doc. 51) filed by defendants is denied as moot, the court having made arrangements for what is sought in the ex parte motion.

Dated this 2nd day of September, 2010.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge

ATTEST:
ROBERT ANSLEY, CLERK

BY: _____
DEPUTY
(SEAL)